IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 31ST JANUARY 2007 / 11TH MAGHA 1928

Bail Appl..No. 632 of 2007()

CC.850/2006 of J.M.F.C.-II,NEYYATTINKARA
.....

: PETITIONER/4TH ACCUSED

SHIBUKUMAR, AGED 30 YEARS,
S/O. APPU NADAR, PARAPADANNA PUTHEN VEEDU,
CHOVVARA P.O., KOTTAKKAL DESOM,
KOTTAKKAL VILLAGE.

BY ADV. SRI.PEEYUS A.KOTTAM

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
SUB INSPECTOR OF POLICE, VIZHINJAM POLICE
STATION, REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.
(INVESTIGATING OFFICER IN CR.NO.20/2000 OF
VIZHINJAM POLICE STATION.)

BY PUBLIC PROSECUTOR SRI. P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 31/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 632 of 2007

DATED: 31st January, 2007

O R D E R

The petitioner who is the 4th accused Crime No. 20/00 of Vihinjam Police Station for offences punishable under Sections 143, 147, 283 read with Sec. 149 I.P.C., seek anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.C. 366/00 before the Judl. First Class Magistrate Court-II, Neyyattinkara, the case against the petitioner was split up and re-filed as C.C. 850 of 2006. Admittedly, non-bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court. Petitioner has a contention that co-accused in the case have been acquitted after trial. Accordingly, if the petitioner surrenders before the Magistrate within two weeks from today and files an application for regular bail, the same shall be considered and disposed of (despite the non-bailable warrant of arrest pending against the petitioner)

preferably on the same day on which it is filed after considering the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the co-accused in the case have been acquitted after trial.

With the above observation this application is dismissed.

Sd/- V.RAMKUMAR,

JUDGE.

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